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issue, or other plea to the merits, it admits the capacity of the plaintiff to sue. *Alderman v. Finley*, 52 Am. Dec. 244; *Pullman v. Upton*, 96 U. S. 328; 1 Bart. Law Prac. 501; *Bank v. Curtis*, 36 Am. Dec. 492. So it is where a corporation sues. Our statute was only necessary to require an oath to a plea denying incorporation. I regard the above-named plea as one in abatement, as it goes to the disability of the person suing or sued. But the Massachusetts case says it may be pleaded in bar or abatement."

In *Noonan v. Bradley*, 9 Wall. 394, it was held that the defense of *ne unques executor* might be pleaded in bar of the action. The general subject is discussed at some length in *Lusk v. Kimball* (U. S. Circ. Ct. App.), 4 Va. Law Reg. 731. See also 4 Va. Law Reg. 331.

LARCENY—PROPERTY SUBJECT TO—JUDICIAL DISCOURSE ON DOGS.—In *State v. Langford*, 33 S. E. 370, the Supreme Court of South Carolina holds that where dogs are by law taxable, they *ipso facto* become the subjects of larceny like other personal chattels. Jones, J., in delivering the opinion of the court, records his conceptions of the noble animal in the following strain:

"Neither is it just to say of the dog that its nature is so base as to render it unworthy of protection as absolute property, for Baron Cuvier says the dog is the 'completest, the most singular, and the most useful conquest ever made by man.' When we are told that the Greeks and Romans employed dogs in war, armed with spiked collars, and that Corinth was saved by war dogs, which attacked and checked the enemy until the sleeping garrison were aroused, we better understand Shakespeare's Antony when he said, 'Cry havoc, and let slip the dogs of war.' We should not let contempt for sheep-killing dogs and our dread of hydrophobia do injustice to the noble Newfoundland, that braves the water to rescue the drowning child; to the Esquimaux dog, the burden-bearer of the Arctic regions; to the sheep dog, that guards the shepherd's flocks, and makes sheep raising possible in some countries; to the St. Bernard dog, trained to rescue travelers lost or buried in the snows of the Alps; to the swift and docile greyhound; to the package-carrying spaniel; to the sagacious setters and pointers, through whose eager aid tables are supplied with the game of the season; to the fleet fox hound, whose music, when opening on the fleeing fox, is sweet to many ears; to the faithful watch dog, whose honest bark, as Byron says, bays 'deep-mouthed welcome as we draw near home;' to the rat-exterminating terrier; to the wakeful fice, which the burglar dreads more than he does the sleeping master; to even the pug, whose very ugliness inspires the adoration of the mistress; to the brag 'possum dog and 'coon dog, for which the owner will fight if imposed upon; and, lastly, to the pet dog and playmate of the American boy, to say nothing of the 'yaller dog,' that defies legislatures. Of all animals, the dog is most domestic. Its intelligence, docility, and devotion make it the servant, the companion, and the faithful friend of man. The raising and training of dogs is now pursued by many as a business, large sums of money are invested in them, and they are bought and sold as other property. In this State, by statute, dogs are and have been taxed as personal property, according to value, and for revenue. As stated in *Salley v. Railroad Co.*, 54 S. C. 484, 32 S. E. 527: 'What the law taxes as personal property it will protect as such.'"